

CITY-COUNTY GENERAL ORDINANCE NO. 61, 1994
Proposal No. 198, 1994

METROPOLITAN DEVELOPMENT COMMISSION
DOCKET NO. 94-AO-5

A GENERAL ORDINANCE repealing the Regional Center - Market Square Development District Zoning Ordinance of Marion County, Indiana and rezoning land in the former RC-M District to the CBD-1 and CBD-2 classifications.

WHEREAS, IC 36-7-4, establishes the Metropolitan Development Commission (MDC) of Marion County, Indiana as the single planning and zoning authority for Marion County, Indiana, and empowers the MDC to approve and recommend to the City-County Council of the City of Indianapolis and of Marion County, Indiana ordinances for the zoning or districting of all lands within the county for the purposes of securing adequate light, air, convenience of access, and safety from fire, flood, and other danger; lessening or avoiding congestion in public ways; promoting the public health, safety, comfort, morals, convenience, and general public welfare; securing the conservation of property values; and securing responsible development and growth; and,

WHEREAS, the Regional Center - Market Square Development District Zoning Ordinance for Marion County, Indiana, 70-AO-2, has been amended but has not been revised substantially in over ten years; and,

WHEREAS, in the time period since the original adoption of the Regional Center - Market Square Development District Zoning Ordinance for Marion County, Indiana, development patterns and consumer preferences within the downtown area have changed, with these changes not being reflected in the Regional Center - Market Square Development District; and,

WHEREAS, the Regulatory Study Commission, after careful analysis, has determined that the provisions for Metropolitan Development Commission (MDC) public hearing and approval of all uses or development within the Regional Center - Market Square Development District is overly burdensome, unnecessary, and repetitive; and,

WHEREAS, the Central Business District One (CBD-1) and Central Business District Two (CBD-2) classifications, in conjunction with the Regional Center Secondary District, can properly provide for protection of the City Market area, while significantly lessening the bureaucratic regulation and monetary cost of the current system; and,

WHEREAS, the Regulatory Study Commission has recommended to the MDC and the City-County Council that the Regional Center - Market Square Development District be repealed, with the land formerly zoned to the RC-M District being rezoned to the appropriate Central Business District classification and Regional Center Secondary District; now, therefore:

BE IT ORDAINED BY THE CITY-COUNTY COUNCIL OF THE
CITY OF INDIANAPOLIS AND OF MARION COUNTY, INDIANA:

SECTION 1. The Regional Center - Market Square Development District Zoning Ordinance, as adopted under Metropolitan Development Commission Docket Numbers 70-AO-2 and 81-AO-6, pursuant to IC 36-7-4, is hereby repealed.

SECTION 2. The Comprehensive Zoning Maps of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 70-AO-4, as amended, pursuant to IC 36-7-4, be further amended by reclassifying all land within Marion County, Indiana designated on the Comprehensive Zoning Maps in the RC-M District, to the following classifications, thereby updating said Comprehensive Zoning Maps:

All land in the former RC-M District located west of Delaware Street shall be rezoned to the Central Business District One (CBD-1) classification; and,

All land in the former RC-M District located east of Delaware Street shall be rezoned to the Central Business District Two (CBD-2) classification.

Said land shall be classified, divided and zoned into said districts as designated on the zoning base map, which map is attached hereto as Map #1, incorporated herein by reference and made a part of this ordinance. [The map referred to in this section is not attached to this ordinance, but is on file in the office of the Clerk of the City-County Council.]

SECTION 3. All land in the former RC-M District, rezoned and reclassified into the CBD-1 and CBD-2 Districts noted in Section 2 above, shall further be rezoned to the Regional Center (RC) Secondary Zoning District classification, as noted on the zoning base map, which map is attached hereto as Map #2, incorporated herein by reference and made a part of this ordinance.

SECTION 4. This rezoning shall not supercede, amend or repeal any individually initiated rezoning ordinances approved by the Commission and City-County Council Subsequent to September 2, 1987, and thereafter legally effective (which rezonings by individual legal description have not been mapped and included upon the Comprehensive Zoning Maps, as amended, but shall be so included upon said Maps in subsequent amendment hereto).

SECTION 5. This rezoning shall not supercede, amend or repeal Airspace District Zoning Ordinance (62-AO-2, as amended) and the Airspace District Map adopted as a part thereof, establishing the Airspace District as a secondary zoning district of Marion County, Indiana.

SECTION 6. This rezoning shall not supercede, amend or repeal the Floodway and Floodway fringe zoning district boundaries, as adopted under Metropolitan Development Commission docket number 92-AO-7.

SECTION 7. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provisions, and for this purpose the provisions of this ordinance are hereby declared to be severable.

SECTION 8. This ordinance shall in be full force and effect from and after adoption in compliance with IC 36-7-4.

The foregoing was passed by the City-County Council this 25th day of April, 1994 at 9:21 p.m.

ATTEST:


Acting Clerk of the City-County Council


President